

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GERTI MEHMEDI, et al.,)	CASE NO. 1:10 CV 1591
)	
Plaintiff,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>OPINION AND ORDER</u>
)	
LA DOLCE VITA BISTRO, LLC, et al.,)	
)	
Defendants.)	

On June 26, 2015, Plaintiffs obtained a judgment against Defendants in this collective FLSA action pursuant to the entry of a Stipulated Consent Judgment. (Doc #: 78.) Pursuant to the Consent Judgment, Plaintiffs were awarded a money judgment in the amount of \$160,000. (Id.)

On February 15, 2016, Plaintiffs filed a Motion for the Appointment of a Receiver, asserting that Defendants have largely avoided paying the judgment and have otherwise failed to comply with the terms. (Doc #: 83.) On February 23, 2016, Defendants filed a Memorandum in Opposition to Plaintiffs' Motion for the Appointment of a Receiver. (Doc #: 84.) Specifically, Defendants argue that they

have paid some but not all of the \$20,000 of the \$35,000 which was assigned to Plaintiffs as part of the Consent Judgment. In the Consent Judgment, Defendants assigned Plaintiffs \$35,000 from the amount owed to Defendants by S & P East 4 Woolworth, LLC in connection with the sale of the La Strada Restaurant. The full \$20,000 payment received by Defendants was paid over to Plaintiffs. The balance owed by S & P East 4 Woolworth is due to Defendants when the liquor

license transfers, which will not occur until the new restaurant (Mabel's BBQ) opens on East Fourth Street. The opening has been delayed many times; it is projected to open in March 2016. If S & P East Fourth Woolworth, LLC makes any additional payments to Defendants before the Consent Judgment is satisfied, Defendants will immediately pay those monies over to Plaintiffs.

(Id. at 1-2.) Defendants claim that they have not engaged in any fraudulent conduct, and are not concealing or diminishing any assets. (Id. at 2.) More to the point, they have applied for a loan from Independence Bank to fully satisfy the remaining balance on the Consent Judgment, and they expect to obtain that loan within the next several weeks. (Id.)

The Court, having reviewed the motion and opposition brief, concludes as follows. Defendants have until **4:00 p.m. Eastern Time on March 31, 2016** to pay the balance of the Consent Judgment. If the balance is not paid by that time, the Court will grant Plaintiffs' Motion for the Appointment of a Receiver (**Doc #: 83**), **which Motion remains pending.**

IT IS SO ORDERED.

/s/ Dan A. Polster February 24, 2016

**Dan Aaron Polster
United States District Judge**